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11 Attorneys for Plaintiffs

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13 UNITED STATES DISTRICT COURT
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15 EASTERN DISTRICT OF CALIFORNIA
16
17 SACRAMENTO DIVISION

18 MONICA EISENSTECKEN, et al.,

19 Plaintiffs,

20 vs.

21 TAHOE REGIONAL PLANNING AGENCY,

22 et al.,

23 Defendants.

24 Case No. 2:20-cv-02349-TLN-CKD
**STIPULATION AND ORDER
REGARDING BRIEFING
SCHEDULE AND HEARING DATE
FOR DEFENDANTS' MOTIONS TO
DISMISS THIRD AMENDED
COMPLAINT**

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26 Case filed: November 24, 2020

27 Trial Date: None Set

28
Plaintiffs Monica Eisenstecken, Tahoe Stewards LLC, Tahoe for Safer Tech,
Environmental Health Trust, and David Benedict (collectively, "Plaintiffs"), and Defendants

1 Tahoe Regional Planning Agency (“TRPA”), Joanne Marchetta, in her official and individual
2 capacities, Marsha Berkbigler, in her official and individual capacities, Sue Novasel, in her
3 official and individual capacities, Sacramento Valley Limited Partnership, d/b/a Verizon
4 Wireless, Guilliam Nel, and the City of South Lake Tahoe (collectively, “Defendants”), hereby
5 stipulate as follows:

6 1. On June 9, 2022, the Court entered a Stipulation and Order (ECF #59) granting
7 Plaintiffs’ Motion to amend the complaint for a third time, and extending the time for Defendants
8 to answer or move against the Third Amended Complaint to forty-five (45) days after its filing.

9 2. On June 10, 2022, Plaintiffs filed and served their Third Amended Complaint
10 (ECF#60).

11 3. On June 30, 2022, the Court entered a Stipulation and Order (ECF#61) expanding the
12 page limits for the briefing on the motions to dismiss.

13 4. On July 25, 2022, pursuant to the terms of the June 9 Stipulation and Order, all
14 Defendants moved to dismiss the Third Amended Complaint, setting a hearing date of September
15 22, 2022. Defendants filed three separate motions to dismiss (ECF #s 63, 64, and 67),
16 representing the three separate defendant entities and related individual defendants.

17 5. Because of the number and complexity of the motions to dismiss, Plaintiffs require
18 more time to submit their papers in opposition to these motions than the Local Rules provide.
19 Because of the length of the complaint and the number of claims raised, Defendants require more
20 time to submit their reply briefs in support of the motions to dismiss than the Local Rules
21 provide. Plaintiffs’ counsel and Defendants’ counsel have conferred and agreed upon a briefing
22 schedule and hearing date that will accommodate both sides.

23 6. Except for the extension described in paragraph 1 above, neither Plaintiffs nor
24 Defendants have sought any prior extensions with respect to the motions to dismiss the Third
25

1 Amended Complaint.

2 WHEREFORE, in order to provide for the timely briefing of the motions to dismiss, the
3 parties have proposed, and the Court so orders, the following schedule:

4 A. Plaintiffs shall file their papers in opposition to the motions to dismiss the Third
5 Amended Complaint on or before September 9, 2022.

7 B. Defendants shall file their reply papers in further support of their motions to
8 dismiss the Third Amended Complaint on or before October 5, 2022.

9 C. The Court sets a hearing on the motions to dismiss for October 20, 2022 at 2:00
10 p.m. in Courtroom 2.

11 Dated: August 5, 2022

12 /s/ Julian Gresser

13 Julian Gresser
14 Swankin & Turner
15 Attorney for Plaintiffs
16 MONICA EISENSTECKEN, TAHOE
17 STEWARDS, LLC, TAHOE FOR SAFER TECH,
DAVID BENEDICT,
and ENVIRONMENTAL HEALTH TRUST

18 /s/ Debbie Leonard

19 Debbie Leonard
20 Attorney for Defendants
TAHOE REGIONAL PLANNING AGENCY,
JOANNE MARCHETTA, MARSHA
BERKBIGLER, and SUE NOVASEL

22 MACKENZIE & ALBRITTON LLP

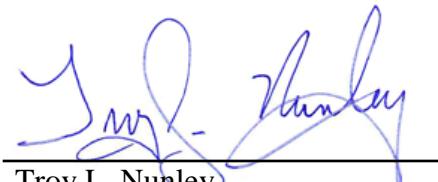
23 /s/ James A. Heard

24 JAMES A. HEARD
25 Attorneys for Defendants
SACRAMENTO VALLEY LIMITED
26 PARTNERSHIP, d/b/a VERIZON WIRELESS and
GUILLIAM NEL

1 */s/ Heather Stroud*
2 HEATHER STROUD
3 City Attorney
4 CITY OF SOUTH LAKE TAHOE

5 **IT IS SO ORDERED.**

6 Dated: August 8, 2022



7 Troy L. Nunley
8 United States District Judge

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